

## Survey – Litigation Funders - Private Antitrust Claims – English Courts/CAT

1. Does your finance company provide funding with regard to private antitrust damages litigation in England and Wales?
  - a) Yes ☐ **If YES, please do respond to as many questions as you can, and return the form.**
  - b) No ☐ **If NO, please do return the survey form, ignoring the remaining questions.**
2. Roughly how many private antitrust damages claims have you financed in the last 5 years, including those that are current?  
**Please do specify:**
3. Of the claims which you have considered for funding in the last 5 years, roughly what proportion your company went on to approve and finance?
  - a) 10% or less ☐
  - b) 11% – 20% ☐
  - c) 21% - 35% ☐
  - d) 36% - 50% ☐
  - e) 50% - 75% ☐
  - f) 76% or above ☐
4. Who are the claimants in the actual or prospective private antitrust damages claims which you have funded? *(Please do rank them, with 1 being the highest volume of claims on behalf of a category of claimants).*
  - a) Consumers (including class representatives):
  - b) Larger Corporate Purchasers:
  - c) SMEs:
  - d) Other (please do specify):
5. Roughly how many claims, which you have funded in the last 5 years, have had an asserted amount of less than £50 million (if quantified) at the start?
  - a) none ☐
  - b) very few ☐
  - c) about half ☐
  - d) most ☐
  - e) all ☐
6. Roughly how many claims, which you have funded in the last 5 years, have had an asserted amount from £51 million to £100 million (if quantified) at the start?
  - a) none ☐
  - b) very few ☐
  - c) about half ☐
  - d) most ☐
  - e) all ☐
7. Roughly how many claims, which you have funded in the last 5 years, have had an asserted amount from £101 million to £250 million (if quantified) at the start?
  - a) none ☐
  - b) very few ☐
  - c) about half ☐
  - d) most ☐
  - e) all ☐
8. Roughly how many claims, which you have funded in the last 5 years, have had an asserted amount from £251 million to £500 million (if quantified) at the start?
  - a) none ☐
  - b) very few ☐
  - c) about half ☐

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- d) most ☐
- e) all ☐
9. Roughly how many claims, which you have funded in the last 5 years, have had an asserted amount of more than £500 million (if quantified) at the start?
- a) none ☐
- b) very few ☐
- c) about half ☐
- d) most ☐
- e) all ☐
10. Taking all of the claims you have funded in the last 5 years, what would you say were the principal factors that impacted on your decision to finance a claim? *(Please do rank them in order of priority - with 1 being the highest priority).*
- a) The fact that liability was already established by a prior regulator's decision:
- b) Certainty re the amount of pass through and the quantification of damages:
- c) Certainty re litigation costs:
- d) Prior proceedings re the same infringement which proceeded to judgment or settlement:
- e) Other (please do specify):
11. Of the claims which you are considering funding and that have not been funded, which are the most important factors that impacted on your decision NOT to fund the claim? *(Please do rank the factors, in order of priority - with 1 being the highest).*
- a) Delay in judicial process:
- b) Uncertainty in the substantive law:
- c) The difficulty in quantifying damages:
- d) Parallel proceedings which are pending abroad and any related complexity:
- e) The likely high litigation costs in comparison to the amount that is to be ultimately recovered:
- f) Other (please do specify):
12. Of the antitrust damages claims which you have funded, and which have concluded in the last 5 years, what was the most common outcome?
- a) Final judgment on the merits ☐
- b) Settlement ☐
- c) The claim being withdrawn. or not progressed, or discontinued ☐
13. Based on your experience of funding antitrust damages claims actually brought in the courts, roughly how much will a typical claimant pay in total fees in that claim up to settlement or judgment?
- a) £750,000 or less ☐
- b) £750,001 - £1,500,000 ☐
- c) £1,500,001 – £5,000,000 ☐
- d) £5,000,001 - £10,000,000 ☐
- e) £10,000,001 - £20,000,000 ☐
- f) £20,000,001 or over ☐
14. Which of the following stages of the litigation result in the most costs for the claimant? *(Please do rank them, with 1 being the highest).*
- a) Pre-action (i.e. before the claim is being issued):
- b) Case management (i.e. after the claim has been issued and including disclosure):
- c) Other pre-trial steps (i.e. witness and expert evidence preparation):
- d) Trial:
- e) Post-trial:

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15. Of the claims which you have financed in the last 5 years, roughly what proportion proceeded to judgment?

- a) 10% or less ☐
- b) 11% – 20% ☐
- c) 21% - 35% ☐
- d) 36% - 50% ☐
- e) 50% - 75% ☐
- f) 76% or above ☐

16. Of the claims which you have financed in the last 5 years, roughly what proportion have settled?

- a) 10% or less ☐
- b) 11% – 20% ☐
- c) 21% - 35% ☐
- d) 36% - 50% ☐
- e) 50% - 75% ☐
- f) 76% or above ☐

17. Of the claims on which you have financed in the last 5 years, and which have settled, what relationship did the settlement amount paid (if any) have to the total amount originally claimed by the claimants? *Please specify, roughly, how many claims fall within each category below.*

- a) 10% or less ☐
- b) 11% – 20% ☐
- c) 21% - 35% ☐
- d) 36% - 50% ☐
- e) 50% - 75% ☐
- f) 76% or above ☐
- g) Other (please do specify):

18. On roughly how many occasions have you considered providing any funding on the **defence side** in private antitrust damages claims which have been issued in the last 5 years?

***Please do specify:***

19. On roughly how many occasions have you proceeded to approve and provide finance on the **defence side** in private antitrust damages claims which have been issued in the last 5 years, including those that are current?

***Please do specify:***